

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

December 12, 2006

FROM: **MICHAEL E. HAYS**, Director
 Land Use Services Department

SUBJECT: WORKSHOP ON THE GENERAL PLAN UPDATE PROGRAM

RECOMMENDATIONS:

1. Conduct a workshop regarding the General Plan Update Program including: the General Plan goals, policies and maps; the preparation of 13 community plans; a complete revision to Title 8 of the San Bernardino County Code (the Development Code); and the Final Environmental Impact Report.
2. Provide staff with direction regarding any changes to the program documents.
3. **Continue to the public hearing on December 19, 2006 for consideration of the adoption of the General Plan Update Program.**

BACKGROUND INFORMATION: This workshop is the second of two workshops that were scheduled for the Board of Supervisors (Board) to review the General Plan Update (GPU) Program prior to a public hearing to consider adoption of the program. The workshops were organized to provide an overview of the four major components of the update program: two components per workshop. On December 5, 2006, the workshop focused on the General Plan and the Community Plans. Today's workshop will focus on the Development Code and the Environmental Impact Report.

Updated Development Code

The proposed San Bernardino Development Code (Title 8 of the County Code) would replace the existing Development Code in its entirety. The Development Code implements the goals and policies of the General Plan, and all community plans, by classifying and regulating the uses of land and structures within the County. The purpose of the Development Code is to promote and protect the public health, safety and general welfare of County residents. To satisfy one of the overall objectives of the Board, the Development Code has been rewritten to modernize the document to be more understandable and user-friendly.

Reorganization

The most obvious difference between the current Code and the proposed revision is that it has been completely reorganized. This reorganization was accomplished to add clarity and to publish a document that is more contemporary in style, order of topics, etc. The following is a side-by-side comparison between the current Code and the proposed Code relative to the Code organization:

Page 1 of 13

Record of Action of the Board of Supervisors

**BOARD OF SUPERVISORS
WORKSHOP ON THE GENERAL PLAN UPDATE PROGRAM
DECEMBER 12, 2006
PAGE 2 OF 13**

Division Number	Current Code	Proposed Revised Code
1	General Provisions	Development Code Authority and Applicability
2	Reviewing Authorities	Land Use Zoning Districts and Allowed Land Uses
3	Procedures	Countywide Development Standards
4	Land Uses	Standards for Specific Land Uses and Activities
5	Overlay Districts	Permit Application and Review Procedures
6	Planning Areas and Specific Plans	Development Code Administration
7	General Design Standards	Subdivisions
8	Specific Use Design Standards	Resource Management and Conservation
9	Plant Protection and Management	Public Facilities Financing
10	Soil and Water Conservation	Definitions
11	Public Facilities Financing	
12	General Definitions	

In the reorganized format, the use of tables and illustrations has been greatly expanded to aid in the clarity of the code provisions. The most prominent example of the expanded use of tables is the addition of the land use and development standards tables in Division 2. The land use provisions in the proposed Code are addressed in four separate chapters in the division, each covering a specific grouping of land use zoning districts. These groupings include Agricultural and Resource Management, Residential, Commercial, and Industrial and Special Purpose Land Use Zoning Districts. A separate table is included in each of these chapters for the following topics: minimum district sizes, the allowed land uses and permit requirements, minimum lot sizes, and the development standards for each district within the group. Other divisions within the Code include tables for such topics as general performance standards, projections/structures within setbacks, allowed density bonuses for Affordable Housing Incentive projects, sign standards, review authority for land use applications, etc. Basically, anything that can be expressed through a table has been converted to this format in an attempt to add clarity to the document.

There is also an expanded use of figures or diagrams to show specific concepts. These include figures on clear sight triangles, screening and buffering, location and measurement of setbacks, setbacks on irregularly shaped lots, hillside grading, patterns of landscaping, and a number of other issues. Again, these were added to bring increased clarity to the document.

As part of this reorganization, the provisions for several different sections of the current code have been combined into one division in some cases, or split into two separate divisions in other cases. The “lumping” and “splitting” has occurred to combine like topics and, conversely, separate unlike topics. Accordingly, the provisions for the Land Use Zoning Districts, the Overlays and Planning Areas were combined to form Division 2 (Land Use Zoning Districts and Allowed Land Uses), and the provisions for plant protection and soil and water conservation were combined to form Division 8 (Resource Management and Conservation) of the new code. Also,

**BOARD OF SUPERVISORS
WORKSHOP ON THE GENERAL PLAN UPDATE PROGRAM
DECEMBER 12, 2006
PAGE 3 OF 13**

the current provisions on procedures were divided into Divisions 5, 6 and 7 (Permit Application and Review Procedures, Subdivisions and Development Code Administration). The expectation is that this format will help make the code easier to read and understand.

Development Review Processes

The land use approval/site design review processes delineated in the current code have been realigned and, in some cases, renamed. The following table shows the equivalent processes between the current code and the proposed revisions:

Current Code	Proposed Revised Code
• Occupancy Review	• Tenant Improvement Permit
• Land Use Review	• Site Plan Permit
• Department Review	• Minor Use Permit
• Conditional Use Permit	• Conditional Use Permit
• Planned Development	• Planned Development

The Tenant Improvement (TI) Permit will replace the Occupancy Review but will still be processed by the Building and Safety Division. It will be applicable to the same types of projects as the current Occupancy Review, except that the TI will only apply to revisions to existing uses or structures. All new uses will be reviewed by the Current Planning Division through the appropriate permit process.

The proposed Site Plan Permit will replace the current Land Use Review (LUR). It will apply to all uses currently allowed with an LUR, plus those new uses that are currently reviewed with an Occupancy Review. All projects must meet the development standards prescribed by the code and no conditions of approval shall be applied. The process cannot be used for projects located on a State highway, within a city sphere of influence or within an area designated as a redevelopment area because these projects generally require some type of conditioning to authorize project approval.

The Minor Use Permit (MUP) will replace the Department Review, a review process that has never really worked as intended. The MUP will be processed identical to the Conditional Use Permit process with the exception that the MUP will not require a public hearing. If the proposed project fails to satisfy any of the additional findings required to approve a MUP, it shall be processed as a Conditional Use Permit to include a public hearing.

The Conditional Use Permit (CUP) application will be processed in the same manner as the current process except that all CUPs will require a public hearing in accordance with State law.

The Planned Development application will be processed in the same manner as the current process.

**BOARD OF SUPERVISORS
WORKSHOP ON THE GENERAL PLAN UPDATE PROGRAM
DECEMBER 12, 2006
PAGE 4 OF 13**

The provisions for the subdivision of land have been pulled out of the current Procedures Division and made a division unto itself. Much of the present provisions pertaining to subdivisions is simply a repeat of State law, a practice that has proven to be problematic in the past in that whenever State law changed, our Code was out of date. The proposed revision to the Code has removed the State law provisions and has simply referenced the appropriate section(s) of the Government Code. This has resulted in a streamlined version of the Code.

New Regulations

- **Hillside Grading Standards:** The County has recognized for years the need to address hillside grading and the impacts it has on the environment. With this update, it is now appropriate to add these provisions to the Code. Hillside Grading Ordinances from a number of other jurisdictions, including Rancho Cucamonga, and from the old Chino Hills Specific Plan were used as a model for these new provisions. These regulations for development within hillside areas are established to:
 - Facilitate appropriate hillside development through standards and guidelines for hillside areas;
 - Ensure that development in the hillside areas is designed to fit the existing landform;
 - Preserve significant features of the natural topography, including swales, canyons, streams, knolls, ridgelines, and rock outcrops;
 - Provide a safe means of ingress and egress for pedestrian and vehicular traffic to and within hillside areas;
 - Provide alternative approaches to conventional grading practices by achieving development intensities that are consistent with the natural characteristics of hillside areas (e.g., land form, scenic quality, slopes, and vegetation); and
 - Encourage the planning, design, and development of sites that provide maximum safety with respect to fire hazards, exposure to geological hazards, drainage, erosion and siltation, and materials of construction; provide the best use of natural terrain; and to discourage development that will create or increase fire, flood, slide, or other safety hazards to public health, welfare, and safety.

These regulations apply to all uses and structures within areas that have a natural slope gradient of 15 percent or greater and that require a Grading Permit. If any one of the following thresholds applies on a particular site, a full analysis and compliance with the hillside grading provisions shall be required and a Hillside Grading Review shall be conducted in compliance with Section 83.08.030 (Hillside Grading Review) of the Code:

- The volume of proposed grading is more than 500 cubic yards.
- Proposed cut or fill slopes are greater than 15 feet in height and will be visible and exposed to permanent public view or will be adjacent to designated open space or public lands.
- The width of proposed cut or fill slopes is greater than 75 feet.

**BOARD OF SUPERVISORS
WORKSHOP ON THE GENERAL PLAN UPDATE PROGRAM
DECEMBER 12, 2006
PAGE 5 OF 13**

- The area of proposed disturbance is more than 50 percent of the site area, or the proposed disturbed area exceeds 10,000 square feet, whichever is less.
- **Infrastructure Improvement Standards:** In keeping with direction to ensure the General Plan is a "policy" document, the Infrastructure Standards are being moved from the General Plan to the Development Code. The purpose of these standards is to establish the infrastructure improvements required for proposed development in order to ensure that the development does not result in fiscal liabilities to County residents. The intent is to require an appropriate range of infrastructure facilities and services to support areas of high and low intensity development. The requirements are based upon the direct relationship between the intensity of land uses and the amounts of facilities and services that are needed to support the uses. As in the current General Plan, these standards are incorporated into the Code by region -- Valley, Mountain and Desert.

In the late 1990's, the County conducted a study to evaluate its development review procedures and standards as they apply to rural areas of the Mojave Desert. The goal of the study was to evaluate the need to revise these procedures and standards in order to 1) simplify the process of establishing rural businesses, 2) reduce the cost and time involved to gain approval of development proposals from the County, and 3) avoid enforcing standards and requirements that may be appropriate in other locations or circumstances, but which may be inappropriate or unnecessary within the rural portions of the Mojave Desert. Based on the analysis undertaken for this study, the options available to the County, and community input, the final report made 31 recommendations for the County to implement to address issues affecting rural areas within the Mojave Desert. Some of these recommendation have already been accomplished, some required no action, and the remaining are being implemented through the Development Code Update, including the addition of the Infrastructure Improvement Standards.

- **Landscaping Standards:** In the early 1990's, the Board adopted a set of guidelines that were created to provide sufficient design guidance for the development of small to medium scale projects. Larger scale projects were required also to be designed to accommodate those guidelines, but may have required special design considerations and therefore, additional requirements. As a minimum, those design guidelines provided for the health, safety and welfare of the general public. Landscaping and screening standards were included in these guidelines. Since that time, it has become apparent that these "guidelines" need the force of law behind them. Consequently, a new Landscaping Standards chapter is being added to the Code.

The purpose of the landscaping standards is to:

- Enhance the aesthetic appearance of the County by providing standards related to the quality and functional aspects of landscaping;
- Increase the compatibility between abutting land uses and public rights-of-way by providing landscape screening and buffers;

**BOARD OF SUPERVISORS
WORKSHOP ON THE GENERAL PLAN UPDATE PROGRAM
DECEMBER 12, 2006
PAGE 6 OF 13**

- Provide for the conservation and protection of water resources through the efficient use of water, appropriate use of plant materials suitable for climate and location, and regular maintenance of landscaped areas; and
- Protect public health, safety, and welfare by preserving property values and enhancing pedestrian and vehicular traffic and safety.

These standards would apply to new uses, structures and subdivisions, as well as existing uses and structures with specific qualifications. Several specified project types are listed as being exempt from the landscaping requirements.

- **Agritourism Enterprises:** In recognition of the desire of the residents in many rural communities in the County to preserve the rural character of their communities while providing some expanded commercial opportunities, the County is proposing to modify the Development Code to facilitate the augmentation of agricultural related commercial activities within the Rural Living, Agriculture and Resource Conservation Land Use Zoning Districts throughout the County. Such expanded uses are being referred to as agritourism. Agritourism is defined as any business conducted by a farmer or rancher for the enjoyment or education of the public, to promote the products of the farm and to generate additional farm income. It also refers to the act of visiting a working farm, ranch, agricultural, or horticultural operation for the purpose of active involvement in the educational, entertainment, or recreational activities offered by the farm or operation.

The new provisions in the Development Code will regulate the establishment and operation of agritourism enterprises in order to maintain and preserve the rural character, integrity, and property values of surrounding areas in which these uses are located. These regulations include permit requirements and development standards for these uses, with the level of review being dependent upon the size of the operation. They also require that such commercial operations are clearly incidental to the agricultural operations being conducted on-site. The allowable uses under agritourism range widely but include food festivals, food service and wine tasting.

- **Multi-Family Residential Development Standards:** Under the current General Plan and Development Code provisions, there are 16 different RM designations that range from 26C-RM (Multiple Residential-2,600 square feet per dwelling unit) to 20M-RM (Multiple Residential-20,000 square feet per dwelling unit). The General Plan Update is proposing to change these designations to just one -- RM (Multiple Residential) -- with an allowed density of up to 20 units per acre. Each proposal for a project within this district would be evaluated on its own merits as to the proper density for a specific site.

In 2003, the County adopted an updated Housing Element for the General Plan, but to date the State Department of Housing and Community Development (HCD) has not certified this document. Staff has been working with the State to correct all deficiencies so that the State

**BOARD OF SUPERVISORS
WORKSHOP ON THE GENERAL PLAN UPDATE PROGRAM
DECEMBER 12, 2006
PAGE 7 OF 13**

will grant certification. This process is nearing completion and staff hopes that all required actions will be accomplished by the adoption the General Plan Update.

As part of this coordination with HCD, the County has agreed to allow the development of smaller scale multiple family housing projects with just the issuance of building permits. No land use approvals would be required. This would apply to projects consisting of 19 units or less. In order to accomplish this, the County needs to develop more comprehensive standards for these type projects and insert them into the Development Code. The County contracted with the consulting team of RBF and Jacobson and Wack to prepare the expanded standards. The primary additions to the standards that were included in the draft Development Code published with the EIR are as follows:

- Allows multi-family projects of 19 units or fewer with just a building permit.
- Allows multi-family projects of 20 to 49 units with an approved MUP.
- Allows multi-family projects of 49 units or more with an approved CUP.
- Expands development standards for multi-family projects of all sizes.

General Plan EIR

The last major component of the GPU process is the Environmental Impact Report (EIR). The Notice of Preparation (NOP) for the Draft EIR was released on October 5, 2005. The purpose of the NOP was to provide a description of the GPU process, provide information on the environmental issues which the County identified for analysis in the draft EIR, and seek input on the environmental analysis that would be conducted by the County. Three scoping meetings were held in late October 2005 for the purpose of soliciting input from the public regarding any specific issues which anyone felt the EIR should address. Since that time, the Draft EIR has been completed and was released on September 8, 2006 for public review and comment. The comment period ended on October 23, 2006. **The Final Environmental Impact Report is still under preparation.**

An Initial Study was prepared for the General Plan Update project. On the basis of the initial determination, it was determined that the proposed GPU may have a significant effect on the environment, and that an EIR would be prepared.

The County conducted three public scoping meetings in October of 2005 prior to the preparation of the EIR. Meetings were held in Yucca Valley, San Bernardino and in Victorville to solicit public input relative to issues that the public felt should be addressed in the Draft Program EIR.

The Notice of Preparation (NOP) for the EIR was released on October 5, 2006. The County is the lead agency for the preparation of the EIR, in accordance with the California Environmental Quality Act (CEQA), for the Update Program. The Program consists of the General Plan, the preparation of the 13 community plans and the update of the County's Development Code. The update of the General Plan, the community plans and the Development Code is the proposed

**BOARD OF SUPERVISORS
WORKSHOP ON THE GENERAL PLAN UPDATE PROGRAM
DECEMBER 12, 2006
PAGE 8 OF 13**

project. The project description, location, and the potential environmental effects were described in the NOP.

A Notice of Availability (NOA)/Notice of Completion (NOC) was released on September 1, 2006, notifying the public that the Draft EIR was available for public review during a 45-day comment period. A compact disc (CD), which included all of the GPU documentation (General Plan, Development Code, 13 Community Plans, Draft Program EIR and appendices, Background Reports and the General Plan Maps) were distributed for public review and comment. Approximately 2,100 copies of the CD were mailed to federal, state and local government agencies, school districts, municipal advisory councils, chambers of commerce, Indian tribal councils, as well as any individual who requested the CD. Additionally, all of the GPU documentation was placed on the County website. For individuals without Internet access, computers could be used free-of-charge at all of the County's 32 libraries to access the County's website. Hard copies of the documents were also available for review at the regional offices of the Land Use Services Department, which includes offices in San Bernardino, Victorville, Yucca Valley, Twin Peaks, and Big Bear.

❖ ENVIRONMENTAL IMPACT REPORT

As part of the GPU, a Program Environmental Impact Report (EIR) was prepared, in accordance with the California Environmental Impact Report. The EIR evaluates the broad-scale impacts of the proposed GPU with all of its components. Although the legally required contents of a Program EIR are the same as those of a Project EIR, in practice there are considerable differences in level of detail. Program EIR's are typically more conceptual and abstract. They contain a more general discussion of impacts, alternatives, and mitigation measures. In accordance with the CEQA guidelines, the mitigation measures proposed are feasible and are roughly proportional to the impacts of implementing the General Plan. The Governor's Office of Planning and Research (OPR) describes Program EIRs as follows: (General Plan Guidelines (1998), p. 108)

"The Program EIR prepared for a general plan examines broad policy alternatives, considers the cumulative effects and alternatives to later individual activities, where known, and contains plan level mitigation measures. Later activities, which have been adequately described under the program EIR, will not require additional environmental documents. When necessary, new environmental documents such as a subsequent or supplemental EIR or negative declaration will focus on the project-specific impacts of later activities, filling in the information and analysis missing from the program EIR."

The reason for this approach is that the project consists of a General Plan for the entire County, 13 Community Plans and a complete Development Code update, not a specific development proposal. Consequently, the Draft EIR is a Program EIR addressing the impacts of the GPU as a whole, rather than a project-specific EIR. Additional environmental review will be performed in connection with specific development proposals as they come forward, which the General Plan

**BOARD OF SUPERVISORS
WORKSHOP ON THE GENERAL PLAN UPDATE PROGRAM
DECEMBER 12, 2006
PAGE 9 OF 13**

does not specifically address. Rather, the General Plan establishes an overall policy framework the County will use as a means of evaluating such proposals.

CEQA provides that the programmatic environmental analysis for such large-scale planning efforts differ from the sort of environmental analysis performed about a specific development project. According to the CEQA Guidelines, "[a] program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) Geographically, (2) A logical parts in the chain of contemplated actions, (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways." (CEQA Guidelines, § 15168, subdivision (a)).

A program EIR focuses on the broad policy implications of implementing the plan as a whole. It is neither feasible nor necessary for an EIR of this sort to specify with precision exactly how a particular policy or mitigation measure will be applied to a particular development project. What is necessary, however, is to devise policies and mitigation measures representing a genuine commitment to a performance standard, such that the impacts of the plan will be avoided or lessened, to the extent it is feasible to do so.

The Executive Summary of the Draft Program EIR contains Table I-1, I-2 and I-3 at pages I-3 through I-26. Table I-1 summarizes the impacts (pages I-3 to I-18) found to be mitigated below a level of significance. Table I-2 (pages I-19 to I-25) summarizes the impacts found to be significant and unavoidable, and Table I-3 (page I-26) lists one impact found not to be significant requiring no mitigation. The table below is a condensed version of the Executive Summary that displays the environmental categories that were address in the EIR, the various impacts that were described and the conclusion regarding the level of impact. Seventy-six discreet impacts were analyzed. Of those, 56 were found to be mitigated to less than significant, one was found to be non-significant and 19 were determined to be significant and unavoidable.

Impacts Categories	Mitigated to Less than Significant	Significant Unavoidable
Aesthetics		AES-1, AES-2, AES-3
Agricultural Resources		AG-1, AG-2,
Air Quality		AQ-1, AQ-2, AQ-3
Biological Resources	BIO-4, BIO-5, BIO-6, BIO-7, BIO-10, BIO-11, BIO-12, BIO-15, BIO-17, BIO-18	BIO-1, BIO-2, BIO-3, BIO-8, BIO-9, BIO-13, BIO-14, BIO-16
Cultural and Paleontological Resources	CR-1	
Geology and Soils	GEO-1, GEO-2, GEO-3	
Hazards and Hazardous Materials	HAZ-1, HAZ-2, HAZ-3, HAZ-5	HAZ-6

**BOARD OF SUPERVISORS
WORKSHOP ON THE GENERAL PLAN UPDATE PROGRAM
DECEMBER 12, 2006
PAGE 10 OF 13**

Impacts Categories	Mitigated to Less than Significant	Significant Unavoidable
Hydrology, Flood Hazards and Water Quality	HWQ-1, HWQ-2, HWQ-3	
Land Use and Planning	LU-1, LU-2, LU-3,	
Mineral Resources	MR-1, MR-2	
Noise	N-1, N-2, N-3	
Population and Housing	PH-1, PH-2	
Public Services	PS-1, PS-2, PS-3, PS-4, PS-5	
Public Utilities Systems	UT-1, UT-2, UT-3, UT-4, UT-5, UT-6, UT-7, UT-8, UT-9, UT-10	
Recreation	REC-1, REC-2, REC-3	
Transportation/Traffic	TR-1, TR-4, TR-5, TR-6, TR-7, TR-8	TR-2, TR-3

A description of the impacts that were found to be significant and unavoidable in spite of applied mitigation is provided below:

❖ COMMENTS ON THE DRAFT PROGRAM EIR

The County received 19 comment letters from federal, state and local government agencies, as well as from a variety of environmental organizations and several individual County residents. Comments from agencies and organizations include the following:

- Federal agencies include the U.S. Navy, Bureau of Land Management, U.S. Forest Service, the National Park Service and one sovereign nation (the San Manuel Band of Mission Indians).
- State agencies include the Native American Heritage Commission, Governor's Office of Planning and Research/State Clearinghouse, the Department of Fish and Game, the Department of Justice and the State Water Quality Control Board - Santa Ana Region.
- One local governmental entity, the City of Fontana.
- Environmental organizations include the Wilderness Society, the Sierra Club, the San Bernardino Valley Audubon Society, the Friends of Fawnskin, and the Center for Biological Diversity.
- Four individual commenters.

Within the 19 comment letters, there were 384 individual comments on the Draft Program EIR. Some comments contained multiple topics, resulting in approximately 456 comment points that are being responded to in the Final Program EIR. The table below displays the number of comment topics received according to environmental issue.

**BOARD OF SUPERVISORS
WORKSHOP ON THE GENERAL PLAN UPDATE PROGRAM
DECEMBER 12, 2006
PAGE 11 OF 13**

13	Aesthetics/Visual	34	Land Use	10	Alternatives
1	Agricultural	1	Minerals	2	Cumulative Impacts
43	Air Quality	1	Noise	14	Mitigation Monitoring
14	Archeological/Historical	1	Population/Housing	12	CEQA Process
167	Biological Resources	18	Recreation/Parks	6	Agency Coordination
3	Drainage/Absorption	5	Sewer Capacity		
4	Economics/Jobs	2	Soil Erosion/ Compaction/Grading		
1	Flood Plain/Flooding	1	Solid Waste		
41	Wildfire Hazard/ Evacuation Routes	29	Traffic/Circulation		
3	Geologic/Seismic	1	Toxic/Hazards		
5	Growth Inducement	24	Water Supply/Groundwater		

Approximately 75% (338 comment topics) of all comments received on the Draft Program EIR addressed six topical issues as indicated in the table above. The table reveals that the six topics that received the most comments in descending order are: biological resources; air quality; wildfire hazard/evacuation routes; land use; traffic/circulation; and water supply/groundwater. The number of individual comments addressing biological issues is nearly equal to the total comments of the next five highest topics. Although comments were not tracked by geographic context, roughly 50% can be attributed to issues within the mountain region of the County. A listing of the comment letters and the number of comments per letter are included as an attachment to the EIR.

The following is a summary of the main points of concern with regards to the topical issues receiving the most comments:

Biological Resources: Several comments asserted that Biologic Resources and Open Space Overlays were not current and were incomplete due to lack of recognition of sensitive species habitats and wildlife corridors. Comments also indicated that, due to the status of the Overlays, the impacts were not adequately assessed. Several comments addressed the need for habitat conservation plans to protect biodiversity and that the County was not doing enough to conserve and protect sensitive and threatened and endangered species.

Air Quality: Greenhouse gas emissions and its relationship to global warming were cited by the State Attorney General's Office and the Center for Biological Diversity as major omissions in the analysis and called for new analysis and recirculation. Other comments addressed increased air pollution from increased vehicle emissions and inadequate mitigation to reduce future increases due to growth and development. Another commenter felt that there is inadequate mitigation for fugitive dust and PM10.

**BOARD OF SUPERVISORS
WORKSHOP ON THE GENERAL PLAN UPDATE PROGRAM
DECEMBER 12, 2006
PAGE 12 OF 13**

Wildfire Hazard/Evacuation Routes: Several commenters cited inadequate fire safe development requirements. Several commenters believed that there is inadequate analysis of evacuation route and disclosure and that the routes have insufficient capacity to safely evacuate mountain residents, particularly in light of projected growth.

Land Use: Comments cited inadequate growth controls adjacent to open space and public lands (i.e. the National Forest), which are not sufficient to protect those resource lands and insufficient limits on development in environmentally sensitive areas.

Traffic/Circulation: Many of the comments on traffic and circulation overlapped with evacuation route issues in that a deficient mountain road system cannot adequately accommodate the volume of traffic anticipated for major emergency evacuations. Other traffic comments cited traffic congestion and the impacts of future development. In the mountain region, concerns also cited inadequate analysis of the road impacts anticipated from future growth in light of the topographic constraints that limit road widening to accommodate additional traffic volumes.

Water Supply/Groundwater: It was suggested that stormwater impacts and references to regulations and existing plans and permits were incomplete in their description; groundwater is not adequately recognized for its value to biologic resources; the need for protection for riparian/wetland habitat was not adequately addressed; water quality impacts were not as specific as they should be (i.e. impaired waters were not recognized); and ephemeral and perennial streams are not adequately protected. Some commenters believed that the County should rely on Urban Water Management Plans and other State Water Project supply sources as assurance for adequate future water supply to the needs of projected growth.

❖ **FINAL PROGRAM EIR**

The CEQA Guidelines at Section 15089 identify the requirements for the preparation of a Final EIR. Those are as follows:

- (a) The Lead Agency shall prepare a final EIR before approving the project. The contents of a final EIR are specified in Section 15132 of the Guidelines.
- (b) Lead Agencies may provide an opportunity for review of the final EIR by the public or by commenting agencies before approving the project. The review of a final EIR should focus on the responses to comments on the draft EIR.

Additionally, Public Resources Code Section 21092.5 requires the lead agency to provide a written proposed response to each **public agency** (emphasis added) that commented on the EIR. The proposed response must be provided to the pertinent public agency 10 days prior to the lead agency's certification of the final EIR.

The contents of Final Environmental Impact Report are described in Section 15132 as follows:

The Final EIR shall consist of:

- (a) The draft EIR or a revision of the draft.

**BOARD OF SUPERVISORS
WORKSHOP ON THE GENERAL PLAN UPDATE PROGRAM
DECEMBER 12, 2006
PAGE 13 OF 13**

- (b) Comments and recommendations received on the draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.

The Final Program EIR will appear as a complete reissued and revised text of the Draft Program EIR, along with a copy of the original comment letters and responses to each comment, revisions to text and addition of mitigation measures and other support material as other appendices. **The Final Program EIR, when completed, will be provided to the Board for its review.**

REVIEW BY OTHERS: This item has been reviewed by County Counsel (Robin Cochran, Deputy County Counsel, 387-8957) on December 6, 2006 and County Administrative Office (Daniel R. Kopp, Administrative Analyst, 387-3828) on December 7, 2006.

FINANCIAL IMPACT: There are no financial impacts for this workshop.

SUPERVISORIAL DISTRICTS: All

PRESENTER: Randy Scott, Deputy Director Advance Planning, 387-0236